

AMENDMENTS IN THE SPECIFICATION

Please amend the paragraph beginning on page 11, line 7 as follows:

Figure 1A shows a schematic representation of the plasmid, pDATH-X (Dominant negative, Antisense, TET-ON controllable Heat shock promoter plasmid) -p53, which consists of four cassettes as follows. (1) TET-ON is a fusion of the coding sequences for amino acids 1-207 (SEQ ID NO:1) of the tetracycline (tet) repressor and the C-terminus ~~last 130 amino acid~~ transcription activation domain (SEQ ID NO:2) of the VP16 protein of the herpes simplex virus (Gossen M., *et al.*, *Science*, 268:1766-1769 (1995)). In Cassette 1, the TET-ON sequence is placed under the control of the HSP and the tet operator binding site and pCMV. (2) HSP is the heat shock promoter consisting of the heat shock response element ~~(-260 to 30)~~ (SEQ ID NO:3) of the human heat shock 70 gene promoter (Voellmy R., *et al.*, *Proc. Natl. Acad. Sci. USA* 82: 4949-4953 (1985)) linked to the minimal CMV promoter, pCMV (Gossen M., *et al.*, *Science*, 268:1766-1769 (1995)). In cassette 2, the therapeutic gene, X, is placed under the control of the tetp-CMV promoter. (3) ptet is the tet operator consisting of the 19 base pair (bp) inverted repeats (SEQ ID NO:4) of the operator O2 of TN10

(Gossen M, and Bujard H., *Proc. Natl. Acad. Sci. USA* 89:5547-5551 (1992)) to which the tet repressor and TET-ON bind. In cassette 3, antisense TET-ON is placed under the control of the pCMV promoter. (4) Antisense TET-ON is an antisense sequence consisting of the complementary sequence to the first 80 bases of the TET-ON sequence including the ATG. In cassette 4, dominant negative TET-ON is placed under the control of the pCMV promoter. The Dominant negative TET-ON consists of the tet-repressor but without the VP16 transactivation domain, and it is placed under the control of the pCMV promoter. In the absence of heat or light, a background level of expression of the TET-ON sequence will result due to the leakiness of the minimal promoter pCMV.

Please amend the paragraph beginning on page 24, line 19 as follows:

In one embodiment of the present invention, there is provided a recombinant vector, pDATH-X (Dominant negative, Antisense, TET-ON controllable Heat shock promoter plasmid), for the purpose of reducing background levels of expression. This vector is comprised of the cassettes: (a) a fusion of the coding sequences for amino acids 1-207 (SEQ ID NO:1) of the tetracycline repressor and the C-terminus ~~last 130 amino acid~~ transcription

activation domain (SEQ ID NO:2) of the VP16 protein of the herpes simplex virus; (b) a heat shock promoter consisting of heat shock response elements ~~(-260 to -30)~~ (SEQ ID NO:3) of the human heat shock 70 gene promoter linked to the minimal cytomegalovirus promoter, pCMV; (c) a tet operator consisting of the 19 bp inverted repeats (SEQ ID NO:4) of the operator O2 of TN10 to which the tet repressor and TAKON bind; and (d) an antisense sequence consisting of the complementary sequence to the first 80 bases of the TAKON sequence including the ATG.

Please amend the paragraph beginning on page 38, line 8 as follows:

Figure 1 is a schematic depiction of the pDATH-X vector. This vector operates in identical fashion to the pDATE-X vector, except that the Egr-1 promoter is replaced with the HSP promoter and that heat is used in place of light/ionizing radiation. A pDATH-TNF α vector designated as PTA-4083 (SEQ ID NO:5) has been deposited at American Type Culture Collection (Manassas, VA 20110).

Please insert the Sequence Listing enclosed herein after the Drawings.